

FILED
FIRE ALARM, BURGLAR ALARM AND
LOCKSMITH ADVISORY COMMITTEE

2/20/13
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE FIRE ALARM, BURGLAR ALARM
& LOCKSMITH ADVISORY COMMITTEE

IN THE MATTER OF THE SUSPENSION OR	:	
REVOCATION OF THE LICENSES OF	:	Administrative Action
	:	
Walter J. Przybylowski	:	FINAL ORDER OF
Burglar Alarm License	:	DISCIPLINE
No. 34BA00170300	:	
Fire Alarm License	:	
No. 34FA00134300	:	
	:	
TO PRACTICE AS A BURGLAR ALARM &	:	
FIRE ALARM LICENSEE IN NEW JERSEY	:	

This matter was opened to the New Jersey Fire Alarm, Burglar Alarm and Locksmith Advisory Committee ("the Committee") upon receipt of information which the Committee has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Walter J. Przybylowski ("respondent") is licensed to practice as a burglar alarm installer and a fire alarm installer in the State of New Jersey and has been at all times relevant hereto. Respondent failed to renew his burglar alarm license and his fire alarm license prior to their expiration on August 31, 2007. As a result, respondent's burglar alarm license and fire

alarm license are suspended, pursuant to law, specifically N.J.S.A. 45:1-7.1(b), for failing to renew both licenses within 30 days of their expiration date.

2. The Committee received a complaint referral from the Middlesex County Office of Consumer Affairs. The complaint concerned the installation of an electronic security system for consumers R.F. and I.F. According to the information received, in 2010, respondent, through his company "On Guard Home Integrators", installed an electronic security system for R.F. and I.F. According to the consumers, the system failed to operate adequately.

3. According to the Committee's records, "On Guard Home Integrators" has never been issued a fire alarm business license or a burglar alarm business license in the State of New Jersey.

4. R.F. and I.F. also complained that they attempted to contact respondent in order to address the failures of the electronic security system. However, respondent failed to reply.

5. The Committee sent a letter to respondent dated December 23, 2011. The letter requested that respondent provide the Committee with information concerning the complaint received from R.F. and I.F., as well as an explanation concerning respondent's failure to renew his burglar alarm and fire alarm licenses. The letter also asked respondent to explain why he is operating "On Guard Home Integrators" without a business license. The letter was sent to respondent's address of record, via regular and certified mail. The certified mail was received, as

evidenced by the return of the certified postcard bearing a signature and indicating a date of delivery of January 5, 2012. The regular mail was not returned. Respondent failed to provide a response to the December 23, 2011 letter.

CONCLUSIONS OF LAW

The above preliminary findings of fact provide grounds for the imposition of civil penalties, pursuant to N.J.S.A. 45:5A-25, which prohibits any person from advertising that he is authorized to engage in, or engage in the alarm business or otherwise engages in the installation, service or maintenance of burglar alarm, fire alarm or electronic security systems unless he satisfies the requirements of N.J.S.A. 45:5A-23 et seq.

Additionally, the above preliminary findings of fact provide grounds for the imposition of civil penalties, pursuant to N.J.S.A. 56:8-1 et seq., the Consumer Fraud Act, in that respondent engaged in conduct that implicitly demonstrated authorization that does not exist, which would constitute the employment of deception, fraud, false pretense, false promise, and/or misrepresentation within the intendment of N.J.S.A. 56:8-2.

Finally, the above preliminary findings of fact provide grounds for the imposition of civil penalties, pursuant to N.J.A.C. 13:45C-1.2 & 1.3., in that respondent's failure to respond to the Committee's request for information constitutes professional misconduct in violation of N.J.S.A. 45:1-21(e).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on October 17, 2012, provisionally suspending respondent's burglar alarm and fire alarm license, as a disciplinary suspension, until such time as respondent applies for reinstatement, appears before the Committee to discuss the complaint received from consumers R.F. and I.F., as well as respondent engaging in the alarm business and providing alarm services with a suspended license, satisfies all the requirements and qualifications for reinstatement, and has fully satisfied all of the penalties assessed within this Order.

The Provisional Order of Discipline also provisionally imposed a reprimand for respondent's violations of N.J.S.A. 45:5A-25, N.J.S.A. 56:8-1 et seq. and N.J.S.A. 45:1-21(e). Respondent was also provisionally required to pay a civil penalty in the amount of \$2,000.00 for violating N.J.S.A. 45:5A-25 and N.J.S.A. 56:8-1 et seq. and pay an additional penalty in the amount of \$500.00 for provisionally violating N.J.S.A. 45:1-21(e), for a total civil penalty of \$2,500.00. Finally, respondent was provisionally ordered to cease and desist from engaging in the unlicensed practice of offering fire alarm and burglar alarm services in violation of N.J.S.A. 45:5A-23 et seq.

A copy of the Provisional Order was forwarded to respondent by certified and regular mail at his address of record. The Provisional Order was subject to finalization by the Committee at

5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

The Provisional Order sent by means of certified mail was received by respondent as evidenced by return of the certified mail receipt to the Committee bearing respondent's signature and indicating the Provisional Order was received by respondent on October 23, 2012. The regular mail was not returned. No written response was received from respondent. Because the Provisional Order was forwarded to respondent's address of record, with the certified mail signed for by respondent, and the regular mail not returned to the Committee, the Committee deems service to have been effected. During deliberations, the Committee determined that consumers I.F. and R.F. paid respondent an amount slightly in excess of \$2,500.00, the amount of the civil penalty, for respondent's unlicensed alarm services. As a result, the Committee voted to order respondent to reimburse I.F. and R.F. \$2,500.00, rather than impose that amount as a civil penalty. Accordingly, it is determined that further proceedings were not necessary and that the Provisional Order should be made final with the aforementioned modification concerning reimbursement to

I.F. and R.F.. Respondent can not evade the Committee's process by failing to respond.

ACCORDINGLY, IT IS on this 19th day of February, 2013

ORDERED that:

1. Respondent's licenses, #34BA00170300 & #34FA00134300, both of which are currently suspended by application of N.J.S.A. 45:1-7.1(c), are hereby suspended as a disciplinary action until such time as respondent applies for reinstatement, appears before the Committee to discuss the complaint received from consumers R.F. and I.F., as well as respondent engaging in the alarm business and providing alarm services with a suspended license, satisfies all the requirements and qualifications for reinstatement, and has fully satisfied all of the penalties assessed within this Order.

2. Respondent is hereby reprimanded, pursuant to N.J.S.A. 45:1-22(a), for violation of N.J.S.A. 45:5A-25, N.J.S.A. 56:8-1 et seq. and N.J.S.A. 45:1-21(e).

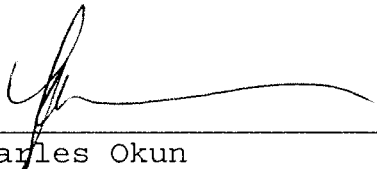
3. Respondent shall pay restitution to consumers I.F. and R.F. in the amount of \$2,500.00. Payment of the restitution shall be made by certified check or money order, made payable to I.F. and R.F., and sent to Acting Executive Director David Freed, 124 Halsey Street, Newark, NJ 07101, within twenty (20) days of the filed date of this order.

4. Respondent shall cease and desist from engaging in the unlicensed practice of offering fire alarm and burglar alarm

services in violation of N.J.S.A. 45:5A-23 et seq.

NEW JERSEY STATE FIRE ALARM, BURGLAR ALARM,
& LOCKSMITH ADVISORY COMMITTEE

By:



Charles Okun
Committee Chairman